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Common Carrier Bureau
Network Service Division
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Mr. Richard Metzger
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Mail Stop 1600
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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Re: **Ex Parte**
In the Matter of Carrier Identification Codes, CC Docket No. 92-237

Dear Mr. Metzger:

Excel Communications, Inc. ("Excel") submits this written *ex parte* communication in support of the MCI Communications Corporation ("MCI") *ex parte* letter submitted on March 17, 1998, proposing that the Commission immediately take action to extend the permissive dialing period wherein 3-digit and 4-digit carrier identification codes (CICs) may both be used to access telecommunications services. Although the Commission recently released a Public Notice, in which it requested comments regarding the standard intercept message and the request that LECs be prohibited from using Special Information Tones, the Commission explicitly limited its request for comments to those issues and excluded other issues raised by MCI's letter, including the critical need to extend the impending transition to 4-digit CIC dialing. To avoid a transition that is likely to be extremely burdensome to carriers and confusing to customers, Excel strongly urges the Commission to extend the permissive dialing period at least until January 1, 1999.

As noted by MCI, the Network Interconnection and Interoperability Forum ("NIIF") has adopted an unacceptable standard intercept message, which would cause numerous customers to simply hang up instead of continuing to dial around. In addition, LECs have indicated that they will apply Special Information Tones ("SIT") to the message. Although the Commission has requested comments on these issues and Excel has submitted comments simultaneously with this letter, the Commission failed to request comments on the timing of the transition period. Because of these issues alone, Excel believes that the June 30, 1998 expiration date of the permissive dialing period must be extended while these important issues are resolved.

Moreover, several other developments make the June 30, 1998 transition date even more untenable. For example, as noted by MCI, BellSouth filed a Petition for Reconsideration and/or

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Clarification in which it notified the Commission that it would be unable to initiate 3-digit CIC blocking in its switches on a flash-cut basis. BellSouth noted that it needed at least 60 days to transition its switches and has requested the Commission to allow it to *begin* transitioning on June 30, 1998. US West and SBC noted the same problem with its switches. The Commission has yet to rule on BellSouth's petition. In the meantime, presumably the permissive dialing period is not being observed by these carriers.

Because of the importance of educating customers and ensuring against undue customer confusion, the problems of BellSouth, US West and SBC constitute sufficient reason to extend the permissive dialing period for a period of six months following the date on which those carriers switches will *all* be able to block 3-digit CICs. Allowing any LEC to begin the transition prior to June 30, 1998, while maintaining the July 1 cutover date is anticompetitive and will cause undue confusion to the public. Excel and other carriers providing dial-around services are diligently attempting to educate their customers as to the change in carrier access codes. To transition the switches early will not provide the full time needed to properly educate customers. Customers will then become frustrated and will discontinue using CICs to dial around. Accordingly, any transition before June 30, 1998 would be anticompetitive and economically harmful because it would essentially discourage customers from using dial-around products.

Even more egregious, however, is the Commission's recent grant of requests of several LECs to extend beyond January 1, 1998, the date by which those LECs must be able to accept 4-digit CICs. It stands to reason that if certain LECs will not be able to accept 4-digit CICs, customers must still be permitted to dial 3-digit CICs. Indeed, the Commission has granted one LEC an extension until January 1, 1999. These extensions require the Commission to also extend the permissive dialing period. It would be extremely confusing to customers to not be able to dial-around because the LEC switch cannot accept a 4-digit CIC. Moreover, such a result would be anticompetitive because it would essentially eliminate for some customers a popular method of choosing different carriers.

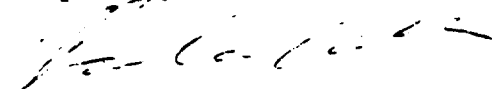
It is important to note that dial-around calling represents the very essence of a competitive telecommunications market and serves the pro-competitive goals of the 1996 Telecommunications Act. Dial-around calling allows customers to pick and choose among numerous carriers instead of being confined to one carrier through presubscription. As noted by MCI, approximately \$1.5 billion in 10XXX traffic was carried in 1996 by carriers other than AT&T, MCI and Sprint. Obviously, the ability to dial-around for better rates at different times has become important to the public at large and has dramatically increased competition in the telecommunications market. The Commission must act to preserve the dial-around option for customers and at the very least must avoid actions that would negate or undermine that option. The increased digits required for dial-around calling will alone be confusing for the public. However, the Commission must

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prevent any time period in which customers in any part of the country will not be permitted to dial-around at all. Because customers have begun to rely on dial-around as an option, such a result would be confusing to the public and detrimental to the dial-around industry as a whole.

Accordingly, the Commission should extend the permissive dialing period until customers throughout the country can be assured that 4-digit CICs will be able to be used. Because the Commission has granted at least one LEC an extension until January 1, 1999, the permissive dialing period must be extended at least to that date. Excel agrees with MCI that February 28, 1999 would be a more appropriate date upon which to extend the permissive dialing period. This modest extended period will promote the public interest by providing a smooth transition to the new dial-around pattern. Such an extension would also minimize customer confusion and help ensure the continued vitality of dial-around calling.

Respectfully Submitted,



Dana Frix
Pamela Arluk

James M. Smith
Vice President -Law & Public Policy
Excel Communications, Inc.

Counsel for Excel Communications, Inc.

cc: **Honorable William Kennard, Chairman**
Commissioner Susan Ness
Commissioner Furtchgott-Roth
Commissioner Michael Powell
Commissioner Gloria Tristani
Richard Welch
John Nakahata
Jim Casserly
Paul Gallant
Geraldine Matise
Kris Monteith
Marion Gordon

Mr. Richard Metzger

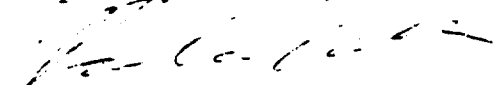
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